

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DON C. LIVINGSTON,  
Petitioner,  
v.  
PATRICK COVELLO, Warden,  
Respondent.

No. 2:20-cv-0047 AC P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On March 23, 2020, respondent filed a motion to dismiss this action on statute of limitations grounds. See ECF Nos. 12-3. The undersigned had previously directed petitioner to file and serve an opposition or statement of non-opposition to any motion within thirty days after service. ECF No 5 at 2. This deadline has passed without any response from petitioner.

Under Local Rule 230(l), failure to oppose a motion may be deemed a waiver of opposition thereto. Id. Additionally, Local Rule 110 provides that failure to comply with the rules or orders of the court “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” The Federal Rules of Civil Procedure provide for dismissal of an action for failure to prosecute or to comply with the rules or orders of the court. See Fed. R. Civ. P. 41(b).

1 If petitioner intends to proceed with this action, he must timely respond to this order by:  
2 (1) demonstrating cause for his delay, and (2) filing and serving a response to the pending motion  
3 within the extended deadline provided herein.

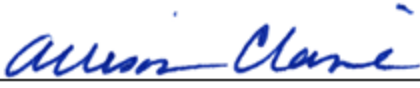
4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner shall, within 30 days after the filing date of this order, file and serve: (a) an  
6 opposition or statement of non-opposition to respondent's motion to dismiss; and (b) a statement  
7 explaining why petitioner's response was delayed.

8 2. Failure to timely respond to this order will result in a recommendation that this action  
9 be dismissed without prejudice.

10 IT IS SO ORDERED.

11 DATED: May 5, 2020

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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